

### **Remarks**

In the September 20, 2007 restriction requirement for the above referenced application, the Examiner correctly noted that claim 79 – 155 were pending. In a November 20, 2007 response to the September 20, 2007 restriction requirement the Assignee elected group 1 which comprised claims 79 – 118 which the Examiner had classified as an artificial intelligence application (class 706) and added claims 156 – 161 as they were similar to Group 1.

On November 28, 2007 a notice of additional fees due was sent in association with the above referenced application presumably because the Examiner had elected to remove the restriction requirement for claims 79 - 161. In response to said notice, the Assignee cancelled the previously unelected claims 119 – 155 and added claims 162 – 164 in a January 25, 2008 response to the November 28, 2007 notice.

In an arbitrary and capricious change, the Examiner now contends that claims 79 -118 and claims 156 – 161 are separate inventions and that both are somehow now part of class 705. The Examiner now also claims that claims 162 – 164 represent an invention that is separate and distinct from the now allegedly separate invention detailed in claims 79 – 118 and the now allegedly separate invention detailed in claims 156 - 161.

Accordingly the Assignee, without commenting on: whether or not there is a legitimate basis (statutory or otherwise) for the restriction, whether or not there are separate inventions, whether or not the alleged separate inventions are distinct and/or whether or not the alleged relationships between the alleged inventions are in any way similar to the relationships the Examiner has alleged exists, elects group 1 (claims 79 - 118) with traverse.

### **Copending applications**

Under the provisions of MPEP § 2001.06(b), the Examiner is hereby advised of the following copending U.S. Patent Application(s) which have claims pending that may be viewed as similar (with or without justification) to pending claims 79 - 118 of the instant application.

Application(s)	Pending claims that may viewed as being similar to claims 79 - 118	Summary of claims
09/764,068	36 – 63, 72 – 74 on appeal	Model of future or current enterprise market value by category of value, accounting
10/441,385	189 - 254	Element of value impact by category of value to market value or financial performance aspect
10/645,099	25 - 32	Element of value contribution by category of value to share price
10/746,673	all	Element of value contribution to segments of value

Applications 08/999,245, 09/761,670 and 10/287,586 also have claims related to element of value impact on a current operation. Office Actions for application that are and/or were copending that may be relevant include the 11/21/2000 Office Action for 08/999,245, the 10/20/2006 Office Action for 08/999,245, the 02/20/2007 Office Action for 08/999,245, the 09/10/2007 Office Action for 08/999,245, the 11/26/2001 Office Action for 09/293,336, the 01/06/2004 Office Action for 09/688,982, the 08/28/2006 Office Action for 09/688,982, the 12/24/2003 Office Action for 09/688,983, the 06/15/2004 Office Action for 09/688,983, the 02/24/2005 Office Action for 09/688,983, the 03/09/2006 Office Action for 09/688,983, the 01/03/2007 Office Action for 09/688,983, the 10/11/2005 Office Action for 09/761,670, the 05/09/2006 Office Action for 09/761,670, the 01/03/2007 Office Action for 09/761,670, the 05/03/2004 Office Action for 09/761,671, the 11/18/2004 Office Action for 09/761,671, the 09/30/2005 Office Action for 09/761,671, the 06/13/2006 Office Action for 09/761,671, the 10/06/2004 Office Action for 09/764,068, the 07/01/2005 Office Action for 09/764,068, the 12/30/2005 Office Action for 09/764,068, the 07/12/2006 Office Action for 09/764,068, the 08/23/2007 Office Action for 09/764,068, the 05/23/2003 Office Action for 09/940,450, the 11/24/2003 Office Action for 09/940,450, the 05/03/2006 Office Action for 09/940,450, the 09/07/2006 Office Action for 10/012,375, the 02/27/2007 Office Action for 10/012,375, the 08/23/2007 Office Action for 10/012,375, the 02/25/2008 Office Action for 10/012,375, the 07/12/2006 Office Action for 10/025,794, the 11/14/2007 Office Action for 10/025,794, the 03/31/2008 Office Action for 10/025,794, the 02/14/2007 Office Action for 10/036,522, the 11/14/2007 Office Action for 10/036,522, the 02/27/2007 Office Action for 10/097,344, the 08/23/2007 Office Action for 10/097,344, the 06/26/2007 Office Action for 10/166,758, the 7/11/2007 Office Action for 10/237,021, the 2/06/2008 Office Action for 10/237,021, the 12/20/2004 Office Action for 10/282,113, the 10/20/2005 Office Action for 10/282,113, the

02/24/2006 Office Action for 10/282,113, the 05/26/2006 Office Action for 10/282,113, the 03/27/2008 Office Action for 10/287,586, the 08/08/2003 Office Action for 10/012,374, the 01/21/2004 Office Action for 10/012,374, the 05/24/2004 Office Action for 10/012,374, the 08/23/2004 Office Action for 10/012,374, the 07/06/2005 Office Action for 10/012,374, the 05/22/2006 Office Action for 10/012,374, the 04/09/2007 Office Action for 10/046,094, the 12/04/2007 Office Action for 10/046,094, the 08/11/2004 Office Action for 10/329,172, the 06/08/2005 Office Action for 10/329,172, the 12/02/2005 Office Action for 10/329,172, the 07/24/2006 Office Action for 10/329,172, the 12/16/2003 Office Action for 10/441,385, the 11/02/2005 Office Action for 10/441,385, the 06/02/2006 Office Action for 10/441,385, the 11/03/2006 Office Action for 10/441,385, the 02/27/2007 Office Action for 10/441,385, the 08/10/2007 Office Action for 10/441,385, the 07/02/2004 Office Action for 10/674,861, the 09/26/2006 Office Action for 10/645,099, the 02/27/2007 Office Action for 10/645,099. the 01/09/2008 Office Action for 10/645,099. the 02/06/2007 Office Action for 10/743,616, the 07/26/2007 Office Action for 10/743,616, the 02/11/2007 Office Action for 10/743,616, the 04/12/2005 Office Action for 10/746,673, the 07/10/2006 Office Action for 10/746,673, the 01/23/2007 Office Action for 10/746,673, the 02/27/2007 Office Action for 10/746,673, the 11/20/2007 Office Action for 10/746,673, the 02/14/2008 Office Action for 10/747,471, the 08/09/2007 Office Action for 10/821,504, the 6/27/2007 Office Action for 11/360,087 and the 11/01/2007 Office Action for 11/360,087. In almost all cases these Office Actions are available from the U.S.P.T.O. Internet File Wrapper system.

### Conclusion

The Assignee respectfully requests consideration of the present application as amended herewith.

Respectfully submitted,

Asset Trust, Inc.

/B.J. Bennett/

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